

### **REMARKS**

The Office Action of May 31, 2007 has been reviewed and the comments therein were carefully considered. Claims 1-53 are pending in the application. Claims 1-53 are rejected.

#### **Claim Amendments**

Applicants have amended Claims 1, 14-38, and 48-53 to clarify the scope of the claims. Applicants assert that these changes are supported by the specification and would not require an additional search or significant reconsideration of claim scope. Applicants respectfully request entry of these amendments.

#### **Claim Rejections - 35 U.S.C. §102**

Claims 1-9, 13, 14, 38-43, and 47 are rejected under 35 U.S.C. §102(b) as being anticipated by Wilcock et al. (US Application: US 2001/0015756 A1). Applicants traverse this rejection.

Regarding Claims 1 and 38, Applicants have amended these claims to recite “such that the image files can subsequently be searched based upon the metadata and organized into virtual folders corresponding to at least one of the schemes”. Support for this feature is described in the specification, paragraphs 37 and 38, and also Figs. 5-7 and 10, and also Claim 14 as originally filed.

Applicants assert that Wilcock does not disclose any type of virtual folder (please see the argument below with regard to Claim 14). Accordingly, Applicants assert that Claims 1 and 38 and all claims the depend upon them are allowable.

Regarding Claim 14, the Office Action on page 32 utilizes a definition for “virtual” as found in an online dictionary. Applicants respectfully note that the term is “virtual folder”, and the meaning of the term is clear from the specification, paragraphs 37 and 38, and also Figs. 5-7 and 10. The interpretation of this claim term is clear in light of the specification as interpreted

by one skilled in the art. Please see MPEP §2111 second paragraph. Applicants assert that utilizing a general dictionary definition of one word of the term is improper.

The Office Action further states on page 32:

Thus, as explained in the prior rejection, there are two schemes (paragraph 0038: scheme 1 is the date, and scheme 2 is the location), such that the two schemes are stored in storage, (paragraph 0158), and the images with metadata are stored in a database in memory, such that the database itself is a virtual folder containing the images with metadata (since the functionality of a folder, for storing data within a logical location, is present in essence or effect). Thus, the virtual folder aspect is satisfied, and the applicant's argument is not persuasive.

Applicants are unable to follow this argument. Applicants accept that Wilcock at paragraph 0038 discloses photos being stamped with data, including location data, and a timestamp. Applicants also accept that Wilcock discloses the photos and their metadata are downloaded and stored; with the photos in a photo store, and the metadata in a meta-data database (paragraph 0038). But this is not what is claimed. Claim 14 recites, inter alia, "the images are stored in a database in memory, the database **including at least one virtual folder** corresponding to each of the at least two metadata schemes".

Next, the Office Action statement that "such that the database itself is a virtual folder containing the images with metadata (since the functionality of a folder, for storing data within a logical location, is present in essence or effect)" does not make any sense. First, the claim recites that the virtual folders correspond to each of the at least two metadata **schemes**. This is not disclosed or suggested by Wilcock. Second, if the database is supposed to correspond to a virtual folder (according to the Office Action's reasoning), then how is the claim to be properly interpreted with the recitation that "the database **including at least one virtual folder**"? In any case, this statement is not supported by what Wilcock discloses, or by any reasonable argument to interpret that Wilcock discloses something similar to "virtual folders".

In summary, (1) Wilcock does not disclose or suggest any feature similar to virtual folders, let alone the recitation that "the database including at least one virtual folder

corresponding to each of the at least two metadata schemes"; and (2) the Office Action's arguments that Wilcock discloses something analogous to what is recited is based is conclusory and not supported by any reference. Accordingly, Applicants assert that Wilcock does not expressly or inherently describe each and every element as set forth in Claim 14. See MPEP §2131.

Accordingly, Applicants assert that Claim 14 and all claims that depend upon it are allowable.

### **Claim Rejections - 35 U.S.C. §103**

Claims 10-12 and 44-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wilcock et al. (US Application: US 2001/0015756 A1), in further view of Stubler et al. US Application: 2002/0188602 A1). Applicants traverse this rejection. All these claims depend from allowable independent claims, and are therefore allowable. In particular, Stubler does not teach the features of the independent claims that are not taught by Wilcock.

Further, with respect to Claims 11 and 45, the Office Action states that Wilcock and Stubler teach "wherein the wireless mobile device generates the prompt based upon **data in another application being executed by the device**" (Claim 45 includes similar language). Applicants traverse this rejection. Neither Wilcock nor Stubler teach or suggest this feature; and this feature is not obvious based on the references either individually or combined. Accordingly, Claims 11 and 45 are allowable separate from their depending on allowable independent claims.

Similarly, with respect to Claims 12 and 46, the Office Action states that Wilcock and Stubler teach "wherein the other application is a **calendar program**". Applicants traverse this rejection. Neither Wilcock nor Stubler teach or suggest that the data comes from a calendar program; and Applicants further assert that this feature is not obvious based on the references either individually or combined. Accordingly, Claims 12 and 46 are allowable separate from their depending on allowable parent claims.

Claims 15-23, 25-27, 29-32, 34-37 and 48-52 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wilcock et al. (US Application: US 2001/0015756 A1), in further view of Rothmuller et al. (US Application: 2003/0033296 A1). Applicants traverse this rejection. All these claims (except for Independent Claim 48) depend from allowable independent claims, and are therefore allowable. In particular, Rothmuller does not teach the features of the independent claims that are not taught by Wilcock. Regarding Independent Claim 48, this claim is allowable for the same reasons that Independent Claim 14 is allowable, as discussed above.

Claims 24 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wilcock et al. (US Application: US 2001/0015756 A1), in further view of Rothmuller et al. (US Application: 2003/0033296 A1), in further view of Takahashi et al. (US Patent: 5,537,528). Applicants traverse this rejection. All these claims depend from allowable independent claims, and are therefore allowable. In particular, Takahashi does not teach the features of the independent claims that are not taught by Wilcock or Rothmuller.

Claim 33 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wilcock et al. (US Application: US 2001/0015756 A1), in further view of Rothmuller et al. (US Application: 2003/0033296 A1), in further view of Wang et al. (US Patent: 5,802,361). Applicants traverse this rejection. This claim depends from allowable independent Claim 14, and is therefore allowable. In particular, Wang does not teach the features of the independent claims that are not taught by Wilcock or Rothmuller.

Claim 53 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wilcock et al. (US Application: US 2001/0015756 A1), in further view of Rothmuller et al. (US Application: 2003/0033296 A1) and Stubler et al. (US Application: 2002/0188602 A1), in further view of Wang et al. (US Patent: 5,802,361). Applicants traverse this rejection. For the reasons explained above with respect to Claim 14, Wilcock by itself or in combination with any other reference discloses all the features recited in Claim 53, and therefore Claim 53 is allowable.

**CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, or alternatively in proper form for appeal. Applicants respectfully request entry of these amendments. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

Date: August 31, 2007

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